

Testimony of Jonathan Bechtle, J.D.

**At the October 16, 2007 hearing of the Subcommittee on Elections
on “Expanding and Improving
Opportunities to Vote by Mail or Absentee”**

Madame Chair and members of the committee, thank you for inviting me to testify today. My name is Jonathan Bechtle, and I’m an attorney and director of the Voting Integrity Project at the Evergreen Freedom Foundation, a non-profit, non-partisan research organization based in Olympia, Washington.

My purpose today is to share my concerns about the proposal to expand the use of mail ballots. Washington’s elections are almost entirely vote-by-mail, and based on the state’s experience, I believe vote-by-mail is an inherently insecure system, because election officials cannot accurately verify who receives a ballot, who votes it, and who returns it. An incident recently occurred in Washington that illustrates this.

A woman named Jane Balogh, from a suburb of Seattle, grew disturbed about the insecurities in Washington’s election system. She decided to call attention to the problem by registering her dog, Duncan to vote. Jane proceeded to send in a registration form for him, and at the next election, Duncan received a ballot. Not wanting to actually cast an illegal ballot, Jane wrote “void” across it and signed it with a paw print. She shortly received a phone call from an election worker inquiring about the odd signature, and she explained what she was doing. The worker told her that dogs can’t vote, yet the county proceeded to send ballots to Duncan for two more elections before finally removing his registration. Under our vote-by-mail system, if Jane had actually used a signature, rather than a paw print, on her dog’s ballot, the elections office would have counted his ballot with no questions asked.

While Jane didn’t exploit the weakness of vote-by-mail by actually casting illegal ballots for her dog, our three-year investigation of Washington’s elections reveals that’s not

always the case. Due to the inherent insecurity of mail ballots, compounded by voter roll errors and a misplaced trust in signature verification, hundreds of mail ballots have been cast unlawfully by ineligible voters.

Washington state experienced a historically close governor's race in 2004. Based on our research, over 1,600 absentee ballots were miscounted or cast unlawfully in this election, nearly 12.5 times the 133-vote margin of victory in the governor's race. This wasn't a grand conspiracy; it was individual acts by voters made possible by an insecure vote-by-mail system.

The 2004 election wasn't just a fluke. We have continued to find mail ballots unlawfully cast and counted. Last year we filed over thirty complaints of double voting using mail ballots, nearly all of which have been verified by law enforcement to be illegal double votes.

We found that the insecurity of vote-by-mail is compounded by errors in the voter roll. Every flaw in a state's voter roll becomes a potential vote, because if a person is an active voter on the roll, a ballot is mailed to them. Every dead voter, every non-citizen, and every felon on the roll will get a ballot. Duplicate voters will get two.

Some of these ballots will be unlawfully voted. For example, a county in Washington mistakenly sent mail ballots to 3,500 voters twice. At least 230 voters returned both ballots and 35 percent of the double ballots were counted, despite security measures designed to prevent double voting.

Vote-by-mail's insecurities are often obscured by a misplaced trust in signature verification. The reality of signature checking in Washington's vote-by-mail environment is that it's done by a crew of temp workers, who—after a few hours of training by the state patrol—are expected to sift through thousands of ballot envelopes in a very short timeframe, making subjective decisions about whether a signature matches. We've found dozens of situations where two ballots were cast for one voter with completely different

signatures, yet they were both counted. I've submitted several examples of these for your review.

Unlike a polling place where trained workers can monitor who is voting and who is signing the poll book, mail ballots cannot be properly monitored. This has been demonstrated not just in Washington, but across America. I've submitted to the committee a list of the many instances of absentee ballot fraud nationwide, as well as quotes from election and law enforcement experts of all political stripes who believe mail ballots are a primary source of voter fraud.

The desire to make voting more convenient is admirable, but it shouldn't be done at the cost of security. Our investigation of Washington's vote-by-mail system demonstrates it is an inherently insecure system that has harmed public confidence in elections. A 2006 poll of Washington voters found that 53 percent believe voting fraud is a serious issue facing our state.

In the interest of ensuring security and confidence in our elections, I would recommend against requiring or encouraging the unfettered spread of mail balloting.

Thank you for the opportunity to share my concerns.